

NVI 5183.7
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Charles S. Schasteen et al.

Art Unit 1645

Serial No.: 10/779,083

Filed: March 12, 2004

For: METHODS AND COMPOSITIONS FOR THE CONTROL OF COCCIDIOSIS

Examiner Vanessa L. Ford

January 13, 2005

RESPONSE TO RESTRICTION REQUIREMENT

TO THE COMMISSIONER FOR PATENTS,

SIR:

This letter is in response to the Office action dated December 13, 2004, in which an election was required between the following group of claims: Group I (claims 1-26) directed to methods for producing compositions or isolating oocysts; Group II (claims 27-74) directed to methods for inducing sporulation of oocysts; Group III (claim 75) directed to a method for sterilizing oocysts; Group IV (claims 76-85) directed to methods for monitoring the sporulation of oocysts; Group V (claims 86-95) directed to compositions for storing sporulated oocysts; and Group VI (claims 96-101) directed to methods for storing sporulated oocysts.

Reconsideration of the restriction requirement is respectfully requested. According to 35 U.S.C. §121, a restriction is proper only if there are at least two independent and distinct inventions. Furthermore, "[i]f the search and examination of an entire application can be made **without serious burden**, the Examiner must examine it on the merits, even though it includes claims to independent or distinct inventions."¹

¹ MPEP §803 (emphasis added).

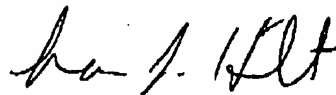
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In this case, the claims of Group I, claim 74 from Group II, and the claim of Group III (claim 75) should be rejoined and examined together. Claim 7 of Group I, claim 74 from Group II, and claim 75 of Group III each have a common element, the use of tangential flow filtration to separate oocysts and a medium. Any search of the prior art and examination involving claim 7 of Group I therefore, will substantially co-extend with the search and examination of claims 74 and 75. Thus, the Group I claims may be searched and examined along with claim 74 from Group II and the Group III claim without undue burden in accordance with MPEP §803.

Subject to the foregoing traverse, the claims of Group I (claims 1-26) drawn to methods for producing compositions or isolating oocysts are elected for examination in this application.

Applicants reserve the right to file divisional applications directed to the subject matter of the non-elected claims.

Respectfully submitted,



Laura J. Hilmert, Reg. No. 55,871
SENNIGER POWERS
One Metropolitan Square, 16th Floor
St. Louis, Missouri 63102
(314) 231-5400

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